



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/785,291

02/23/2004

Takashi Moriguchi

848075/0073

2076

29619 7590 07/01/2008

SCHULTE ROTH & ZABEL LLP

ATTN: JOEL E. LUTZKER

919 THIRD AVENUE

NEW YORK, NY 10022

EXAMINER

KARIKARI, KWASI

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

07/01/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/785,291	Applicant(s) MORIGUCHI ET AL.	
	Examiner KWASI KARIKARI	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/15/2008 has been entered.

Response to Arguments

2. Applicant's arguments, filed on 05/15/2008 with respect to claims 1-11 in the remarks, have been considered but are moot in view of the new ground(s) of rejection necessitated by the new limitations added to claims. See the rejection below of claims 1-11 for relevant citations found in Lee (U.S. 20040198433 A1), Lee (U.S. 20040198433 A1) and Suso et al. (U.S. 6,466,202) disclosing the newly added limitations.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

Art Unit: 2617

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-7 and 9-11 are rejected under U.S.C. 103(a) as being unpatentable over Shimamura et al., (U.S. 20030153372 A1), (hereinafter Shimamura), in view of Lee (U.S. 20040198433 A1), (hereinafter Lee) and further in view of Suso et al. (U.S. 6,466,202), (hereinafter Suso).

Regarding claim 1, Shimamura discloses a mobile terminal device with a camera (cellular phone including a camera section, see Par. [0055] and Fig. 7A-D) comprising: two casings which are overlapped on each other (see casings 300 and 100, Fig. 7B); connecting section (= biaxial hinge 300, see Fig. 1A-C) for connecting said two casings so that said two casings rotate around an axial line in parallel with a direction in which said two casings are overlapped (see Par. [0069]); and a camera (see item 121, Fig. 3C);

Shimamura fails to teach that the camera module having a lens and an image-taking element so as to form an optical axis passing through said lens and said image-taking element; said camera module being disposed inside of said connecting section with said optical axis of said camera module substantially coincident with said axial line;

and said axial line and said optical axis extending in the thickness direction of said mobile terminal device .

Lee teaches a portable wireless terminal 100 including a camera inside a hinge and a camera lens (see Pars. [0011-15 and 0029]; and Figs. 1 and 3-7).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Lee into the system of Shimamura for the benefit of achieving a portable wireless terminal with expanded range of photographic angle.

The combination of Shimamura and Lee fails specifically to teach said axial line and said optical axis “**being extended in the thickness direction**” of said mobile terminal device”.

However, Suso discloses said axial line and said optical axis “**being extended in the thickness direction**” of said mobile terminal device (= video camera is incorporated in the coupling part 5, see col. 3, lines 17-36, col. 4, lines 17-41, col. 6, lines 13-21, col. 8, line 51- col. 9, line 11 and Figs. 1a-d, 2a-b, 4 and 6a).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Suso into the system of Shimamura and Lee for the benefit of achieving a portable wireless terminal that includes a video camera whose direction can be freely changed (see col. 3, lines 17-31).

Regarding claim 2, as recited in claim 1, Shimamura further discloses the mobile terminal device with a camera further comprising:

a display section which displays an image which is taken by said camera module, wherein said display section is disposed so as to be substantially orthogonal to said axial line of either one of said two casings (see Par. [0097] and item 202 in Fig. 7A-D).

Regarding claim 3, as recited in claim 1, Shimamura further discloses the mobile terminal device with a camera further comprising:

a sensor which measures a relative angle made by one of said two casings on which said camera module is disposed and the other of said two casings on which said display section is disposed, wherein an image which is taken by said camera module is displayed on said display section in a rotated manner according to the measurement result by said sensor (= camera sense user image and records his/her image and displays the image on the display unit 202, see Par [0076-77 and 0097]).

Regarding claim 4, as recited in claim 2, the combination of Shimamura and Lee fails to disclose said camera module is fixed to said casing in which said display section is disposed.

However, Suso teaches that said camera module is fixed to said casing in which said display section is disposed (= video camera may be positioned on the outer casing 1, see col. 12, lines 7-17).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Suso into the system of Shimamura and Lee for the benefit of

achieving a portable wireless terminal that includes a video camera whose direction can be freely changed (see col. 3, lines 17-31).

Regarding claim 5, as recited in claim 3, Shimamura further discloses the mobile wherein an image which is taken by said camera module is rotated by 90 degrees with no change to the aspect ratio of said image and then is displayed on said display section when the measurement result is that said relative angle is 90 degrees (= display control section 114 control and convert the displayed content, (see Par. [0070-71])).

Regarding claim 6, as recited in claims 1, Shimamura further discloses the mobile terminal device with a camera is a portable telephone (see Fig. 7A-D).

Regarding claim 7, Shimamura discloses a mobile terminal device with a camera (= cellular phone including a camera section, see Par. [0055] and Fig. 7A-D), comprising:

two casings which can be overlapped on each other (see casings 300 and 100, Fig. 7B);

a connecting section (= biaxial hinge 300, see Fig. 1A-C) for connecting said two casings so that said two casings rotate around an axial line in parallel with a direction in which said two casings are overlapped, wherein said connecting section has a fixed base member which is fixed on one of said two casings and a movable base member

which is fixed on the other of said two casings and is fit in the peripheral surface of said fixed base member rotatably around said axial line (see Fig. 3A);

a hollow space provided in said fixed base member (= biaxial hinge with metal pivot shaft, see Par. [0045]).

Shimamura fails to teach the camera module having a lens and an image-taking element so as to form an optical axis passing through said lens and said image-taking element, said camera module being disposed inside of said hollow space, with said optical axis substantially coincident with said axial line; and said axial line and said optical axis being disposed in the thickness direction of said mobile terminal device.

Lee teaches a portable wireless terminal 100 including a camera inside a hinge and a camera lens (see Pars. [0011-15 and 0029]; and Figs. 1 and 3-7).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Lee into the system of Shimamura for the benefit of achieving a portable wireless terminal with expanded range of photographic angle.

The combination of Shimamura and Lee fails specifically to teach said axial line and said optical axis “**being extended in the thickness direction**” of said mobile terminal device”.

However, Suso discloses said axial line and said optical axis “**being extended in the thickness direction**” of said mobile terminal device (= video camera is incorporated in the coupling part 5, see col. 3, lines 17-31, col. 4, lines 17-41, col. 6, lines 13-21, col. 8, line 51- col. 9, line 10 and Figs. 1a-d, 2a-b, 4 and 6a).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Suso into the system of Shimamura and Lee for the benefit of achieving a portable wireless terminal that includes a video camera whose direction can be freely changed (see col. 3, lines 17-31).

Regarding **claim 9**, as recited in claim 1, Shimamura further discloses the mobile terminal device with a camera is a portable telephone (see Fig. 7A-D).

Regarding claim 10, as recited in claim 1, Shimamura further discloses the mobile terminal device with a camera further comprising a image-capturing window formed on one of said two casings at a position facing to said lens (= camera 121, see Fig. 3C and Par. 0077).

Regarding claim 11, as recited in claim 7, Shimamura further discloses the mobile terminal device with a camera further comprising a image-capturing window formed on one of said two casings at a position facing to said lens (= camera 121, see Fig. 3C and Par. 0077).

4. **Claim 8 is rejected under U.S.C. 103(a) as being unpatentable over Shimamura in view of Lee and further in view of Suso and further in view of Wakabayashi et al. (U.S. 5,666,565), (hereinafter Wakabayashi).**

Regarding claim 8, as recited in claim 7, Suso teaches that the mobile terminal device with a camera further comprising: a fixed cylinder as part of said camera module, which acts as a casing for said camera module (= a hole which the camera lens is fitted, see col. 4, lines 22-31).

The combination of Shimamura, Lee and Suso specifically fails to disclose a cam cylinder as part of said camera module, which is fit in the peripheral surface of said fixed cylinder movably along said axial line; a linear groove provided on the peripheral wall of said fixed cylinder in parallel with said axial line; a cam groove provided on the peripheral wall of said cam cylinder in parallel with said axial line; and a pin provided with a lens on the tip thereof, which penetrates said linear groove to connect with said cam groove movably along said axial line.

However, Wakabayashi teaches a fixed cylinder (4) as part of said camera module, which acts as a casing for said camera module; a cam cylinder as part (16) of said camera module, which is fit in the peripheral surface of said fixed cylinder movably along said axial line; a linear groove (10a) provided on the peripheral wall of said fixed cylinder in parallel with said axial line; a cam groove (16a) provided on the peripheral wall of said cam cylinder in parallel with said axial line; and a pin provided with a lens on the tip thereof (lens group 12), which penetrates said linear groove to connect with said cam groove movably along said axial line (see column 4, lines 20-60 and Figs. 1 and 2).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Wakabayashi into the system of Shimamura, Lee and Suso for

the benefit of achieving a portable terminal device that includes camera with focal length varying mechanism.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. SEE MPEP 2141.02 [R-5] VI. PRIOR ART MUST BE CONSIDERED IN ITS ENTIRETY, INCLUDING DISCLOSURES THAT TEACH AWAY FROM THE CLAIMS: A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984) In re Fulton, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004). >See also MPEP §2123.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwasi Karikari whose telephone number is 571-272-8566. The examiner can normally be reached on M-T (9am - 7pm).

Art Unit: 2617

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8566. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kwasi Karikari
Patent Examiner
Art Unit 2617
06/26/2008

/Charles N. Appiah/

Supervisory Patent Examiner, Art Unit 2617